

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CASE NO. 07-158M
)	
v.)	
)	
NELSON AYALA-DURAN,)	DETENTION ORDER
)	
Defendant.)	
)	

Offenses charged in the District of Arizona:

Illegal Reentry After Deportation, in violation of 8 U.S.C., Section 1326(a) & (b)(2).

Date of Detention Hearing: April 2, 2007

The Court conducted both an uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f) and a preliminary Rule 5(c)(3) inquiry. The defendant waived his rights to a full Rule 5(c)(3)(D) hearing and the Court signed an order of transfer to the originating district court of the District of Arizona to answer the charges. The Court finds that, based upon the factual findings and statement of reasons for detention hereafter set forth, no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Susan Roe. The defendant was represented by Timothy Lohraff.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) The defendant is viewed as a risk of flight as he is in the country illegally and has he several convictions for illegal reentry after deportation.

(2) He is viewed as a risk of danger due to his criminal history.

Thus, there is no condition or combination of conditions that would reasonably assure future court appearances.

It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentences, or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the correctional facility in which Defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 3rd day of April, 2007.



MONICA J. BENTON
United States Magistrate Judge